

the control and direction of the common council; they shall have power to settle, compromise or prosecute all such actions on the part of the village when said village shall be a party, or be interested in such actions, and no person shall be an incompetent juror by reason of being an inhabitant of said village, in an action to which the village shall be a party.

To remain a part of the township of Litchfield.

SEC. 17. In all respects not herein provided for, said village shall be and continue a part of the township of Litchfield.

Corporate powers of said village.

SEC. 18. The corporation is invested with all powers to carry into full force, virtue and effect all and every part of the charter of said village, and the acts amendatory thereof, and to carry into execution the same, shall have power to pass and ordain all and every ordinance necessary to carry out fully the meaning and interest thereof.

Repeal of inconsistent acts

SEC. 19. All previous acts and amendments thereto, which in any way conflict with the provisions of this act, are hereby repealed.

When act to take effect.

SEC. 20. This act shall take effect and be in force from and after its passage.

Approved February 29, 1872.

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## CHAPTER XXV.

February 29,  
1872.

*An act to incorporate the Village of Spring Valley in the county of Fillmore.*

- SECTION 1. Incorporation of the village of Spring Valley.  
 2. Boundary lines of said village.  
 3. What to be elective offices—term of office—eligibility to office.  
 4. When term of office to commence—qualifications.

## CHAPTER II.

- SECTION 1. Village Council—of whom to consist.

2. Council to judge of the qualification and election of its own members—to determine all contested elections.
3. What to constitute a quorum.
4. Council to determine the rule of its proceedings, etc.
5. To keep a journal of its proceedings—style of all ordinances.
6. When first election to be held—how conducted.
7. Who to be Inspectors at first election.
8. Vacancies, how filled.
9. Who entitled to compensation.
10. Penalty for neglecting or refusing to turn over to successor in office property, books, etc.
11. When office to be deemed vacant.

## CHAPTER III.

- SECTION 1.** What officers to give bonds.
2. When new election may be ordered.
  3. Who to preside over the Council—who may call special meetings of the Council.
  4. Duties of Recorder.
  5. Duties of Village Attorney.
  6. Duties of Treasurer.
  7. Duties of Marshal.
  8. Duties of Surveyor.
  9. Constituted one or more road districts.
  10. Council to appoint Overseers of Highways—duties of.
  11. To designate official newspaper.
  12. What to be deemed evidence of the publication of ordinances, &c.
  13. Who may not be interested in any job or contract for the village.
  14. Who deemed to be officers of the peace.
  15. Jurisdiction of officers of the Peace
  16. Further powers of the council.

## CHAPTER IV.

- SECTION 1.** Council to have control and management of the finances—further powers.
2. By whom all laws and ordinances signed.
  3. Council to examine and adjust the accounts of all officers.
  4. May appoint special police for extraordinary occasions—who to be Chief of Police.
  5. Construction of sidewalks, how paid.
  6. All work to be let by contract to the lowest bidder.
  7. What property subject to taxation.
  8. Duties of Assessor.
  9. Council to notify the County Auditor of the amount of general and special taxes to be levied—duty of County Auditor—how collected.
  10. In what cases warrants may be issued—what cases warrant not to be issued.
  11. Qualifications of Judge, Justice, &c.
  12. What shall not be considered a reason for suspending said corporation.
  13. May lease and hold property—for what purpose.
  14. Not liable for the board or jail fees of any person committed for any offense punishable under the State laws.
  15. Compensation of Inspectors of Election.

16. No laws shall be considered repealing or modifying the same unless expressly set forth in such law.
17. Deemed a public act.
18. Not to interfere with the duties of Town Supervisors.
19. When act to take effect.

*Be it enacted by the Legislature of the State of Minnesota :*

Incorporation  
of the village of  
Spring Valley.

SECTION 1. All that part of the county of Fillmore, State of Minnesota, within the limits and boundaries hereinafter described shall be a village by the name of Spring Valley and the people now inhabiting, and those who shall hereafter inhabit within the district of country herein described shall be a municipal corporation by the name of the village of Spring Valley, who shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter especially granted, and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded in all courts of law and equity, and shall have a common seal and may change and alter the same at pleasure, and may take, hold and purchase, lease and convey such real and personal and mixed estate as the purposes of the corporation may require within or within the limits of said village.

Boundary lines

SEC. 2. The territory included in the following limits and boundaries shall constitute the village of Spring Valley to-wit: The west half of the southeast quarter and the southwest quarter of section twenty-seven; also the southeast quarter of section twenty-eight, and the east half of the southwest quarter of section twenty-eight, and the east half of the west half of section thirty-three, and the east half of section thirty-three, and the west half of section thirty-four, and the west half of the east half of section thirty-four in township number one hundred and three, range thirteen west.

Elective officers—term of office—eligibility.

SEC. 3. The elective officers of said village shall be five trustees and one justice of the peace, who shall be styled village justice, one recorder, one treasurer, one assessor, one village marshal, one attorney, a village surveyor, and one overseer of highways for each road district, who shall hold their respective offices for one year and until their successors are elected and qualified. All village officers shall have resided in the village six months next preceding their election and be qualified voters of the State.

SEC. 4. The term of all officers shall commence as soon

as they are elected and qualified. All officers shall, before entering upon the discharge of the duties of their respective offices, each take and subscribe an oath to faithfully and honestly discharge the duties of his office, which said oath of office shall be filed with the recorder of the said village.

When term of office to commence—qualifications.

## CHAPTER II.

SECTION 1. There shall be a council composed of the five trustees who shall elect one of their number chairman, which shall be styled the village council of the village of Spring Valley.

Of what Council composed.

SEC. 2. The village council shall judge of the qualifications, election and returns of its own members, and shall determine all contested elections, and in such cases shall have power to send for persons and papers.

Council to judge of the qualifications.

SEC. 3. A majority of the village council shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members under such penalties as shall be prescribed by ordinance.

What to constitute a quorum

SEC. 4. The village council shall have power to determine the rule of its proceedings, punish its members for disorderly conduct and with the concurrence of two-thirds of the members elected expel a member after due notice given; and an opportunity extended to the accused to be heard by counsel or otherwise.

To determine rule of its proceedings, etc.

SEC. 5. The village council shall keep a journal of its proceedings, and ayes and nays, when demanded by any member present, shall be entered on the journal; and the style of all ordinances shall be "The village council of the village of Spring Valley do ordain."

To keep journal of its proceedings.

SEC. 6. The first election of officers in said village shall be held on the second Tuesday in March, one thousand eight hundred and seventy-two, and on the day of the annual town election thereafter, at which time the electors of said village qualified to vote at town elections may elect by ballot and by plurality of votes, five trustees, one village justice, one recorder, one treasurer, one assessor, one village marshal, one attorney, one village surveyor, and one overseer of highways for each road district. The village council shall give ten days' notice of the time and place of holding said election, by posting up written or printed notices thereof in three public places [in the village,] and by causing such notice to be published in one or more newspapers printed and published in said village. The elections shall be held and conducted in the same manner as town elections, and

Annual election when held—how conducted.

the laws of this state applicable to elections generally shall apply as far as consistency will admit, and the oath of a voter shall be the same as at town meetings, and false swearing shall be perjury. The village council shall meet on the first Monday after their election, and monthly thereafter during their term of office.

Who to be Inspectors of Election.

SEC. 7. That for the purposes of the first election under this act Charles Evans, I. N. Cunmins, and G. W. Gregory shall be inspectors of election, and also the board of canvassers for such election, and shall perform all the duties and shall possess all the powers of inspectors of election and board of canvassers prescribed by this act; they shall appoint the place of holding the polls of such election, and post or publish notice thereof ten days before the same; and all subsequent elections shall be conducted by the village council, who shall be inspectors of such election.

Vacancies how filled.

SEC. 8. Any vacancy occurring in the village council shall be filled by the remaining members of the council and the village justice. Any vacancy [occurring] in any other office shall be filled by the village council. Any person so appointed to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he may have been appointed to fill.

What officers entitled to compensation.

SEC. 9. No officer shall receive compensation except the treasurer, marshal, recorder, overseer of highways, attorney and village justice; and in all such cases compensation shall be fixed by by-law where the laws of the state do not define such compensation.

Penalty for refusing to deliver books, &c., to successor in office.

SEC. 10. Any person, having been an officer of the village, who shall not, within six days after having been requested by his successor in office, deliver all books, papers, property or effects in his hands pertaining to such office or belonging to the village, shall forfeit to the use of the village one hundred dollars, and shall be also liable for all damages caused by such refusal or neglect, and such successor may recover possession of such books, papers, property and effects, in the manner prescribed by the laws of this state for other officers.

When office deemed vacant.

SEC. 11. Any officer removing from the village, or any officer who shall neglect or refuse, for ten days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated the same, and the village council shall proceed to fill the vacancy as prescribed.

## CHAPTER III.

SECTION 1. The treasurer, marshal, and such other officers as the village council may direct, shall severally, before entering upon the duties of their respective offices, execute to the village of Springerilly a bond, with at least two sureties, to be approved by the village council, who shall make affidavit that they are actually [each] worth the penalty specified in such bond, over and above all debts and exemptions or liabilities; and said bond shall contain such penal sum and such condition as the village council may deem proper, and they may from time to time require new or additional bonds and remove from office any officer refusing or neglecting to give the same.

Officers to take oath of office.—  
what officers to give bonds.

SEC. 2. Should there be a failure by the people to elect any officers herein required to be elected on the day designated, the village council may order a new election to be held, ten days' notice of the time and place of holding the same to be given, as in general elections.

When new election may be ordered.

SEC. 3. The chairman of trustees shall, when present, preside over the meetings of the village council and take care that the laws of the state and the ordinances of the village be strictly enforced and duly observed, and that all other executive officers of the village discharge their respective duties. The chairman or any two councilmen may call special meetings of the village council. He shall have power to execute all acts that may be required of him by any ordinance made in pursuance of this act, and is hereby authorized to call upon every male inhabitant of said village over the age of eighteen years to aid in enforcing the laws or carrying into effect any law or ordinance. Any person who shall not obey such call shall forfeit to said village a fine not exceeding twenty-five dollars and not less than five dollars.

Presiding officer of the Council—special meetings how called.

SEC. 4. The recorder shall keep the corporate seal and all the papers and records of the village, and keep a record of all the proceedings of the village council; he shall draw and countersign all orders on the treasurer, in pursuance of any order or resolution of the village council, and keep a full and accurate account thereof in a book provided for that purpose, and make a full and fair record of all by-laws, rules or ordinances made or passed by such village council. The recorder shall have power to administer oaths or affirmations, and copies of all papers filed in his office and transcripts from the records of the village council certified to by him under the corporate seal shall be evidence in all courts in like manner as if the original were produced. He shall

Duties of recorder.

report annually on the first day of June to the council an estimate of the expenses of the village for the current year, and the revenues necessary to be raised therefor; and the fiscal year of the village shall commence on the first day of July. He shall countersign all contracts made in behalf of the village and all certificates of work done by order of the village council. He shall examine the report, books, papers, vouchers and accounts of the treasurer, and from time to time shall perform such other duties as the village council may direct. He shall not be directly or indirectly interested in any job or contract to which the village is a party. He shall receive for his services such sum as the village council may deem proper, not to exceed one hundred dollars per annum.

Duties of  
Attorney

SEC. 5. The village attorney shall perform all professional duties incident to his office, and when required shall furnish written opinions upon any subject submitted to him by the village council or its committees.

Duties of Treas-  
urer.

SEC. 6. The treasurer shall receive all moneys belonging to the village, and keep an accurate and detailed account thereof, and on the first day of July and quarterly thereafter, he shall exhibit to the village council a full and detailed account of all receipts and expenditures after the date of the last quarterly report, and also the state of the treasury, which account shall be filed by the recorder.

Duties of mar-  
shal.

SEC. 7. The village marshal shall execute such orders and perform such duties as are prescribed by the village council for the collection of tolls, license money and fines, for the preservation of the public peace, for the good order, cleanliness and government of the village and for all other purposes. He shall possess the powers of a constable at law under the statutes of this state and receive like fees, and said marshal shall have the power to appoint a deputy; said marshal shall be responsible for the acts of said deputy.

Duties of Sur-  
veyor.

SEC. 8. The village council shall prescribe the duties of village surveyor and fix the fees or compensation for any service performed by him, and all surveys, profiles, plans or estimates made by him for the village shall be the property of the village, and shall be carefully preserved in the office of the recorder, and open to the inspection of parties interested, and shall also have the same legal force as similar acts performed by the county surveyor.

Constituted  
road districts.

SEC. 9. The village of Spring Valley shall be constituted one or more road districts, to be defined by the village council, and the highway labor and taxes shall belong to said road district.

SEC. 10. The village council shall issue a warrant to each overseer of highways containing the whole amount of highway labor and taxes assessed and levied in his district, which said warrant shall be returned by him to the recorder of said village. The laws of the state shall apply to warning, working, suing for and collecting highway taxes, and to returning delinquent taxes. The village council shall have full power to direct the overseers when, where and how to expend the labor in the manner to be directed by them, at any point within the limits of the village. The village council shall perform the duties imposed by law upon the supervisors of towns in levying highway taxes, and shall be governed and restricted in the amount so levied by the same laws applicable to supervisors of towns in levying highway and labor taxes.

Council to appoint Overseers of road districts.

SEC. 11. The village council may designate a newspaper printed in the village in which shall be published all ordinances and other proceedings, and matters required by this act or by the by-laws or ordinances of the village council to be published in a public newspaper, and all printing shall be done for a compensation not exceeding legal rates.

To appoint village Printer.

SEC. 12. The village printer or printers immediately after publication of any notice, ordinance or resolution, or [any] other matters which by this act are or by village ordinance shall be required to be published, shall file with the recorder a copy of such publication which shall be conclusive evidence of the publication of such notice, ordinance, resolution or other matters.

What to be evidence, of publication, etc.

SEC. 13. No member of the village council shall be a party to or interested in any job or contract with the village, and any contract in which any member of the village council may be so interested shall be null and void.

Who not to be interested in any contract.

SEC. 14. The chairman, and each and every trustee, marshal, recorder and justice of the peace, and constables of the precinct of which said village is a part, shall be officers of the peace and suppress in a summary manner all disorderly behavior within the limits of the village, and for such purpose may command the assistance of the bystanders, and if any person so commanded shall refuse to aid in maintaining the peace, every such person shall pay a fine of not more than twenty-five dollars, nor less than five dollars.

Who to be officers of the peace.

SEC. 15. The village justice provided for and elected under this act shall have and possess all the powers and jurisdiction of justices of the peace provided for and elected under the general laws of the state, and in addition thereto shall have cognizance and jurisdiction of all suits, prosecutions or proceedings for the recovery of any fine, forfeiture

Jurisdiction of Justice of the Peace.

Jurisdiction of  
Justice of the  
Peace.

or penalty under any by-law, ordinance or regulation of said corporation or under this act, or for the breach or violation of any such by-law, ordinance or regulation, and in all cases of offences committed against the same. All prosecutions for assaults, batteries and affrays not indictable, and for a breach or violation of any by-law, ordinance or regulation shall be commenced in the name of the village of Spring Valley, and the same proceedings shall be had in all civil and criminal suits or prosecutions before said justice when not otherwise herein directed as are established and are required to be had in civil and criminal actions by the general laws of the state, before justices of the peace, except that no change of venue shall be taken. All fines, forfeitures and penalties imposed by or recovered before said justice in any suit, prosecution or proceeding had and commenced in the name of said village shall be promptly paid by said justice to the treasurer of said corporation for the use thereof. The village justice shall take judicial notice of the by-laws, ordinances and regulations of said corporation, and it shall not be necessary in any action, civil or criminal, before said justice to plead or refer to the same in any manner whatever in any pleading or complaint, but said by-laws, ordinances and regulations shall in said justice court be held and deemed to be public law. The village justice shall at least once in three months make to the village council a full report of all moneys received by him for fines, forfeitures and penalties, and shall pay them into the hands of the treasurer, taking his receipt therefor. In all cases of convictions for assaults, batteries and affrays within said village, for breaches of the peace, disorderly conduct, keeping houses of ill-fame, or frequenting the same, and of keeping or maintaining disorderly and ill-governed houses, the said justice shall have power in addition to the fine or penalty imposed, to compel such offenders to give security for their good behavior, and to keep the peace for a period not exceeding six months, and in a sum not exceeding five hundred dollars. The said justice shall have the same power and authority in case of contempt as a court of record. In case of the absence, sickness or other inability of said justice, or for any sufficient reason, the chairman, by warrant, may authorize any other justice of the peace within said town to perform the duties of said village justice, and it shall thereupon be the duty of the chairman to inform the village attorney and marshal of such substitution, and make report thereof to the village council, and they may confirm or set aside such appointment, or appoint some other justice of the peace, and the justice of the peace so appointed shall, for the time being, possess all

the authority, powers and rights of the said village justice. All fines and penalties imposed by the village justice for offenses committed within the village limits, or for violation of any ordinance, by-law or regulation of said village shall belong to and be a part of the finances of said village. In case of prosecutions for a breach or violation of an ordinance, by-law or regulation of said corporation, or of this act, or for an assault, battery or affray not indictable, committed within the limits of said corporation no appeal shall be allowed when the judgment or fine imposed, exclusive of costs, is less than twenty dollars. The fees of the village justice shall be the same as allowed and fixed by the general laws of the state for justices of the peace. All warrants, writs and processes of every nature issued by the village justice shall be directed to the sheriff or any constable of the county of Fillmore, and may be executed or served by the marshal under the provisions of this act, or by the sheriff or any constable of said county, and for such purpose said officers shall have and possess the same powers and authority, which, by the general laws of the state, they have and possess in the execution or service of warrants, writs and other processes issued by justices of the peace elected under such general laws.

SEC. 16. The village council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties and compensation. Such compensation shall be fixed at the time the office is created or at the commencement of the year, and shall not be increased or diminished during the time such officers shall remain in office. The village council may at any time fix the compensation of any [officer] or committee for any extraordinary service by them performed.

Further powers  
of Council.

#### CHAPTER IV.

SECTION 1. The village council shall have control and management of the finances and of all the property of the village, and the said council shall likewise have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, correct and repeal all such ordinances, rules and by-laws for the government and good order of the village, and for the suppression of vice, as they shall deem expedient, and declare and impose penalties by fine and imprisonment, or both, and to enforce the same against any

To have control  
and manage-  
ment of the  
finances—fur-  
ther powers.

person or persons who may violate any provision of such ordinances, rules and by-laws; [and such ordinances, rules] and by-laws are hereby declared to be and have the full force of law, and for these purposes shall have authority, by ordinances, resolutions or by-laws; *provided*, that they be not repugnant to the constitution of the United States or of this state—

Further powers  
of Council.

First.—To license and regulate the exhibition of common showmen and shows of all kinds, and the exhibition of caravans, circusses, concerts and theatrical performances, and also to license and regulate all auctioneers, billiard tables, pigeon-hole tables, nine or ten-pin alleys, bowling saloons, butchers' shops and butchers' stalls, and venders of butchers' meat, pawn brokers, insurance offices and insurance agencies, taverns, lager beer saloons, victualing houses, and all persons vending, dealing in or disposing of spirituous, vinous, malt or fermented liquors; *provided*, that not less than twenty-five dollars, nor more than one hundred dollars shall be required to be paid for a druggist's license, and not less than one hundred dollars, nor more than two hundred dollars shall be required to be paid for any license for the sale of any spirituous, malt or fermented liquors; and all other licenses not to be less than one dollar nor more than fifty dollars, and the fee for issuing either of the same shall not [exceed] be less than one dollar; and said village council may at any time revoke any license granted under this act, for malconduct in the course of trade, and may regulate and restrain the sale of fresh or butchers' meat within the corporate limits of said village, and punish and restrain the forestalling of poultry, game, eggs or fruit within said village.

Second.—To restrain and prohibit the use of all gambling devices whatever from being set or used for gambling purposes, and to restrain and prohibit all descriptions of gaming and fraudulent devices and practices.

Third.—To prevent any riots, noise, disturbance and disorderly assemblages; to suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming, and of all spirituous, vinous, fermented, mixed or intoxicating liquors of any kind that may be kept for sale or dealt in contrary to any ordinance of said village.

Fourth.—To compel the owner or occupant of any grocery, cellars, tallow chandlers' shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome or nauseous house or place, to cleanse, remove or abate the same. To remove and abate any nuisance injurious to the public

health and safety, or repugnaut to morality, decency and good order, and to provide for the punishment of all persons who shall cause or maintain such nuisance. To prescribe what shall constitute nuisances, and provide for the *removal or abatement thereof, either under the ordinance or at common or statute law.*

Fifth.—To direct the location and management of slaughter houses and markets in said village, and to regulate the storage, keeping and conveying of gunpowder, inflammable oils or other combustible materials.

Further powers  
of council.

Sixth.—To prevent the incumbering of streets, sidewalks, lanes and alleys.

Seventh.—To prevent immoderate riding or driving in the streets.

Eighth.—To prohibit the running at large of dogs, to authorize the destruction of the same when at large contrary to the ordinances, and to impose fines upon their owners.

Ninth.—To prevent any person from bringing, depositing, or having within the village, any putrid carcass or other unwholesome substance, and to require the removal of the same by a competent officer at the expense of such person or persons.

Tenth.—To make and establish public pounds, pumps, water cisterns and reservoirs, to erect lamps or other means whereby to light the village, to regulate and license hacks, cabs, drays, carts, and charges of hackmen, coachmen, draymen and cartmen of the village.

Eleventh.—To prevent damage to sidewalks.

Twelfth.—To prevent the shooting of firearms, crackers and other projectiles, and to prevent the exhibition of any fireworks in any situation which may be deemed by the council dangerous to the village or any property therein, or annoying to any citizen thereof.

Thirteenth.—To restrain drunkards, immoderate drinking of intoxicating beverages, brawling and obscenity in the streets or public places.

Fourteenth.—To license and regulate peddlars, runners, public houses and to regulate the police of the village.

Fifteenth.—To regulate the place and manner of selling and to provide for the inspection and weight of hay and coal, and measuring charcoal, firewood and other fuel.

Sixteenth.—To compel the owners and occupants of buildings or grounds to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite thereto, and in his default, to authorize the removal or destruction thereof by some officer of the village at the expense of the owner or occupant.

Further powers  
of Council

Seventeenth.—To prevent the introduction of contagious diseases into the village.

Eighteenth.—To license persons who shall offer or cause to be offered any goods, wares or merchandize, or other property for sale at auction or public outcry in said village, and may charge thereon not less than ten (10) dollars, nor more than one hundred dollars, in their discretion, and whoever shall offer or cause to be offered such property without such license, or under cover of license granted to any other person, shall forfeit one hundred dollars to said village, but this sub-division shall not apply to the sheriff or other officer in the discharge of his official duty.

Nineteenth.—To appropriate money and provide for the payment of the debts and expenses of the village.

Twentieth.—To abolish, open, widen, grade, repair or otherwise improve keep in repair streets or avenues, lanes and alleys.

Twenty-first.—To establish, regulate and support night watches.

Twenty-second.—To provide for the enclosing, improving and regulating of the public grounds belonging to the village and for the adorning of the streets thereof with shade trees.

Twenty-third.—To provide for the erection of all needful buildings for the use of the village.

Twenty-fourth.—To provide for the taking from time to time the enumeration of the inhabitants of the village.

Twenty-fifth.—To prescribe the limits within which wooden building or buildings of other materials that shall not be considered [deemed] fire proof shall not be erected, placed or repaired.

Twenty-sixth.—To prevent the dangerous construction, placing and conditions of chimneys, fire-places, hearths, stovepipes, ovens, boilers and appurtenances used in or about any building, and cause the same to be removed or placed in a safe and secure condition when considered dangerous, and to prevent the deposit of ashes in unsafe places, and to regulate and prevent the carrying on of manufactures dangerous in causing or promoting fires within the village limits.

Twenty seventh.—To assess or tax any merchant or mercantile establishment offering manufactured articles for sale and commencing business between the first day of August and the first of June following, such an amount as is paid by similar establishments in said village as the regular yearly tax for the same year. Said tax to be paid into the school fund of Spring Valley school district.

Twenty-eighth.—To prevent the Southern Minnesota Railway Company from obstructing the street crossing for a time exceeding ten minutes, accidents excepted, for every such offense a fine of not more than one hundred dollars may be imposed and collected.

Twenty-ninth.—The village council shall have power to authorize the formation of fire companies, hook and ladder, and hose companies, and to provide for the due support and regulations of the same and to order such companies to be disbanded, and their apparatus to be delivered up. Each member of every such company shall be exempt from a poll tax and from serving on juries during the continuance of such membership.

Thirtieth.—The village council shall appoint an inspector of weights and measures, and prescribe his duties and fix the fees of compensation, and the village council shall have power to enact any other by-law, or to do any other act necessary and proper to perform the duties contemplated by this act.

SEC. 2. All laws, ordinances, regulations and by-laws, shall be passed by an affirmative vote of the majority of the village council, and be signed by the chairman and recorder, and shall be published in the official paper of the village and posted for ten days in three of the public places in the village.

By whom all laws and ordinances signed.

SEC. 3. The village council shall examine and adjust the accounts of all village officers and agents of the village, at such time as they may deem proper, and if any such officer or agent shall refuse to comply with the order of said council in the discharge of their duties, in pursuance of this section, the council shall declare the office of such person vacant, and may commence suit or proceedings at law against [any] such officer or agent who may be found delinquent or defaulting in his accounts or in the discharge of his official duties. The council shall make full record of all such settlements and adjustments.

Council to audit accounts of all officers.

SEC. 4. They may appoint any number of special constables for extraordinary occasions, and they shall constitute a village police, and shall have the usual powers and shall be under the immediate control of the marshal, who shall be the chief of police, and the whole shall be under the control of and subject to the village council.

May appoint special police—who to be Chief of Police.

SEC. 5. The cost and expenses of surveying the streets, lanes, alleys, sidewalks, sewers, public grounds, reservoirs, cisterns, drains, and the erection of buildings for village purposes, and of cleansing and repairing the same, and constructing and repairing reservoirs and sewers, street cross-

Expenses of building sidewalks, how paid.

ings and cross walks, may be paid out of the general fund, or reservoirs may be built by districts designated by the village council, but the expense of sidewalks shall be chargeable to the lots fronting on such improvements. The village council shall not construct sidewalks except by a petition in writing signed by two-thirds of the owners and occupants that are living opposite such improvements. Sewers may be built and the expenses apportioned by the village council among the lots and parcels of land benefited thereby. All resolutions or orders directing such improvements shall be filed and recorded by the recorder.

SEC. 6. All work by the village (except the highway taxes) shall be let by contract to the lowest bidder, and the village council may require a bond with sureties for the faithful performance of the contract; not less than ten days' notice shall be given of the letting of the contract by the posting of notices by the recorder in two public places in the village, to be signed by the chairman, and also filing said notice with the [said] recorder at the same time.

SEC. 7. All property, real and personal, in the village, except such as may be exempt by the laws of the state, or is village property, shall be subject to taxation not exceeding one mill on the dollar per year for general purposes. Property exempt from taxation shall be liable to assessment for building and repairing sidewalks.

SEC. 8. The assessor of the village of Spring Valley shall qualify, and shall perform the duties pertaining to his office in accordance with the general statutes of this state in regard to township assessors. He shall be subject to all the liabilities and perform all the duties of a township assessor and receive such compensation as the council may direct.

SEC. 9. The village council shall report to the auditor of Fillmore county the amount of general taxes levied on the village and the amount of special taxes levied upon any of the lots or portions of said vilage, and shall certify to him the lots or portions of the property upon which such special taxes are so levied, and it shall be the duty of the county auditor to insert such taxes in the assessment roll of the town of Spring Valley, and the same shall be collected by the county treasurer or returned by him as delinquent, and all proceedings in relation thereto including the selling, conveying and redeeming property shall be the same as in proceedings on account of other taxes. All residents of the village shall pay a village tax on their personal property, wherever situated, proportionally with their real estate tax.

SEC. 10. In all prosecutions of any violation of this act

All work to be let to the lowest bidder.

What property subject to taxation.

Duties of Assessor.

To report to Auditor amount of taxes levied—duty of Auditor—how taxes collected.

or any by-law or ordinance of the village of Spring Valley the first process shall be a warrant: *Provided*, That no warrant shall be necessary in any case of the arrest of any person or persons while in the act of violating any law of the state of Minnesota or ordinance of the village of Spring Valley; but the person or persons so arrested may be proceeded against, tried, convicted and punished, or discharged, in the same manner as if the arrest had been by warrant.

When warrant issued—when not to be issued.

SEC. 11. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said village, in any proceeding or action in which the village of Spring Valley shall be a party in interest.

Qualifications of judge, justice, &c.

SEC. 12. If any election by the people or village council shall for any cause not be held at the time nor in the manner herein prescribed, it shall not be considered reason for arresting, suspending or absolving said corporation, but such election or organization may be had in any subsequent day by order of the village council; and if any of the duties enjoined by this act or the ordinances or by-laws of the village to be done by any officer at any specified time and the same are not so done or performed, the village council may appoint another time at which the said acts may be done and performed.

What shall not be a reason for suspending said corporation.

SEC. 13. The said village may lease, purchase and hold real and personal estate sufficient for all municipal purposes thereof, and may sell and convey the same, and the same shall be free from taxation.

May lease and hold property—for what purpose.

SEC. 14. The village of Spring Valley shall not be liable in any case for the board or jail fees of any person who may be committed by any officer of the village, or any magistrate, to the jail of Fillmore county for any offense punishable under the state laws.

Not liable for board or jail fees.

SEC. 15. The board of trustees, when acting as inspectors of election, shall receive the same compensation as fixed by the laws of the state.

Compensation of inspectors of Election.

SEC. 16. No law of this state contravening the provisions of this act shall be considered as repealing, amending or modifying the same unless such purpose be expressly set forth in such law.

How act may be repealed.

SEC. 17. This act is a public act, and need not be pleaded nor proven in any court in this state.

Declared to be a public act.

SEC. 18. This act shall not interfere with the duties of the town supervisors of the town of Spring Valley in laying out, altering or establishing highways, building and repairing bridges within the limits of the village of Spring Valley; nor shall any inhabitant or property therein be ex-

Not to interfere with the duties of town supervisors.

empt from taxation by the town for general town purposes. The election of the town officers for the town of Spring Valley shall be held as heretofore.

When act to  
take effect.

SEC. 19. This act shall take effect and be in force from and after its passage.

Approved February 29, 1872.

## CHAPTER XXVI.

February 29,  
1872.

### *An Act to incorporate the village of Farmington.*

- SECTION 1. Boundary limits and corporate powers of the village.
2. Territory included within village limits.
3. Officers of the village.
4. Time of annual election and manner of conducting same.
5. Township and village to be one election district.
6. Relating to the duties and powers of the village officers.
7. Powers and duties of trustees.
8. Power of arrest by peace officers and constables without process.
9. Annual statement of finances by trustees.
10. Road district—road taxes and labor on the roads.
11. Penalties and forfeitures.
12. Limit of taxation for general and village purposes.
13. Tax levy to be returned to county auditor.
14. Damages relating to opening streets, &c.
15. Actions for recovery of penalties and fines, how brought.
16. Further provisions relating to actions.
17. Time and place of first election.
18. Act to take effect upon a majority vote of the legal voters within the limits of the village.

*Be it enacted by the Legislature of the State of Minnesota:*

Boundary limits and corporate powers of village.

SECTION 1. All that part of the township of Empire in the county of Dakota and state of Minnesota hereinafter described, shall be known and constitute the village of Farmington, and as such corporation shall have all the powers